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**Elimination of racism, racial discrimination, xenophobia and related intolerance**

# Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, on the implementation of Assembly resolution 68/150.

* A/69/150.

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# Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

*Summary*

The present report to the General Assembly is submitted pursuant to Assembly resolution 68/150 on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in which the Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to prepare a report on the implementation of the resolution, based on views collected from Governments and non-governmental organizations, for submission to it at its sixty-ninth session.

Following a brief introduction to the content of resolution 68/150, the Special Rapporteur summarizes the contributions sent by 11 States on the implementation of the resolution, as well as views sent by intergovernmental, non-governmental and other organizations pertaining to the issue raised in the resolution. The Special Rapporteur then puts forward a number of conclusions and recommendations.

# I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/150 on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

2. Concerned by the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements, which has led to an increasing number of acts of racially based violence and mounting hate speech in the public sphere, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (see A/HRC/26/50 and A/68/329), the General Assembly recalled, in paragraph 35 of its resolution 68/150, the request of the Commission on Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations. In paragraph 10 of resolution 68/150, the Assembly stressed that failure by States to effectively address such practices was incompatible with the obligations of States Members of the United Nations under its Charter and with the purposes and principles of the Organization.

3. In paragraph 37 of resolution 68/150, the General Assembly requested the Special Rapporteur to prepare and submit to it at its sixty-ninth session a report on the implementation of the resolution, based on the views collected, in accordance with the request of the Commission on Human Rights.

4. In accordance with the practice established in previous reports, the Special Rapporteur summarizes herein information received on relevant activities undertaken by Member States pursuant to resolution 68/150. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale on 1 April 2014 to Member States and a letter to non-governmental organizations requesting information on the implementation of the resolution. By 31 June 2014, replies had been received from Argentina, Australia (Human Rights Commission), Azerbaijan, Bosnia and Herzegovina, Cyprus, Guyana, Oman, the Russian Federation, Saudi Arabia and Serbia. The Special Rapporteur also received contributions from the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Association of Jewish Lawyers and Jurists and the University of Edinburgh. The Special Rapporteur wishes to thank all those who kindly contributed to the present report, and regrets not being able to consider submissions received after that date.

5. The information received is summarized herein, with particular attention paid to information relating to the provisions of paragraphs 4-6, 8-10, 19 and 20 of resolution 68/150, as requested in paragraph 37 of the resolution. The original submissions are available for consultation at the secretariat of OHCHR.

# II. Contributions received from Member States

## A. Argentina

6. The Government referred to the Law of Discriminatory Actions (No. 23.592) of 1988, which lays the basis for combating all forms of discrimination in Argentina. Furthermore, the Government highlighted the creation of the National Institute against Discrimination, Xenophobia and Racism, which coordinates the actions proposed in the National Plan Against Discrimination in Argentina: Diagnosis and Proposals (Decree 1086/2005), a document elaborated in connection with the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001.

7. Among the actions undertaken by the National Institute to counter racism in Argentina is the creation of a monitoring mechanism for hate speech on the Internet. The mechanism was developed with the support of private companies and civil society and aims at the early identification of racist crimes online and the eradication of any form of discrimination online, including the removal of discriminatory material from public web pages.

8. The National Institute also signed a cooperation agreement with two football clubs in the country after incidents of anti-Semitic remarks and chants which took place during football matches. The agreement is part of larger framework developed by the Argentinian Football Association for the promotion of practices, campaigns and actions to counter hate speech, racism and anti-Semitism in the sport.

9. Regarding educational measures, the National Institute is responsible for coordinating anti-discrimination actions in schools, including the revision of education material, capacitation of teachers, and publication of audiovisual material to disseminate the values of diversity, respect and tolerance among children. Furthermore, the National Institute published in 2009 and 2011 a children's book with stories of the Holocaust. This is considered a key educational input for the fight against racism in Argentina.

10. In 2011, the National Institute created DIVERSIA, a centre for the investigation, development and capacitation of cultural, religious and ethnic diversity. In the first semester of 2012, DIVERSIA conducted a cycle of capacitation aimed at public administration professionals that contained material on the prevention of any form of discrimination in the workspace and the value of cultural diversity.

11. Following the adoption by the General Assembly of its resolution 60/7 on Holocaust remembrance, the Government declared the International Day of Commemoration in memory of the victims of the Holocaust to be of national interest. Argentina has formally observed the day since 2010.

## B. Australia (Human Rights Commission)

12. The Australian Human Rights Commission reported that Australians, especially Aboriginals and Torres Strait Islanders, experience some forms of racism and discrimination. There is limited evidence on the spread of extremist political parties, movements and groups that glorify Nazism. However, the State established

a number of initiatives to combat these manifestations of racism and expressions of extremism.

13. The Racial Discrimination Act established the office of the Race Discrimination Commissioner within the Australian Human Rights Commission. The Act prohibits acts involving distinctions based on race and guarantees the right to equality before the law. Part IIA of the Act enumerates specific illegal behaviours while simultaneously protecting freedom of expression. The Commission hears complaints about conducts that contravene the Act and provides for civil remedies through a process of conciliation. The number of complaints received has increased recently owing to the growth of cyberracism.

14. The Federal Court of Australia and the Federal Circuit Court of Australia hear allegations that remain unresolved after the Commission's conciliation process. Notable cases relating to anti-Semitic material include *Jones v. Toben* and *Jones v. The Bible Believers' Church*. The Federal Court of Australia sanctioned the respondents in both cases for propagating anti-Semitic material on the Internet.

15. The Australian Human Rights Commission and other stakeholders oppose proposals to make less stringent part IIA of the Racial Discrimination Act because such measures would weaken protections against discrimination. The Commission also leads the National Anti-Racism Partnership — Federal departments and bodies, which represent multicultural, Aboriginal and Torres Strait Islander communities. In conjunction with the National Anti-Racism Strategy, the Commission initiated a public awareness campaign to empower people to fight discrimination and highlighted good practices. In addition, an anti-racism curriculum for schools will be launched in 2014.

## C. Azerbaijan

16. Azerbaijan informed that its policy on religion is founded on freedom of thought, expression and conscience, with due consideration given to the existence of various forms of religion in society.

17. An effective legislative framework has been put in place to prevent ethnic, racial and religious discrimination. For example, provisions have been included in the Criminal Code to prohibit the sowing of ethnic, racial or religious enmity.

18. There have been no cases of anti-Semitism, religious intolerance, racial bias or racial discrimination in Azerbaijan in the past or present. Indeed, the country has never been affected by racism or xenophobia and is recognized as one with a tradition of religious tolerance and tolerant traditions.

19. The State Committee on Work with Religious Organizations has taken appropriate steps to maintain a stable religious situation in the country by thwarting radical religious groups that prove capable of opening a gate to religious or racial discrimination, to prevent the spread of harmful propaganda by non-traditional religious groups and sects and to preserve and uphold the existing climate of tolerance in the country. The Committee also prevents the import of religious literature advocating radicalism, xenophobia and all forms of intolerance, religious extremism and non-humanistic ideas that give rise to religious strife, intolerance towards other religions and heightened religious tensions.

20. To advocate for the tradition of tolerance in Azerbaijan and to exchange views on the role of religious leaders and believers in the fight against all forms of religious intolerance and racial discrimination, the State Committee organized several workshops that provided a wide range of outreach work involving various aspects of religion, including events, conferences and round tables.

21. A national tolerance centre has been inaugurated to carry out advocacy work at the local and international levels and contribute to the strengthening of tolerant traditions in the world and the region.

22. State Committee staff also regularly appear in the national media and are actively involved in raising awareness about religion among the people. The State Committee cooperates with the religious community to spread existing traditions of tolerance among the people, raises awareness about the importance of relations between the State and religion in preventing family and domestic violence, religious intolerance, racial discrimination and ill-treatment and about civic mindedness, and carries on with work that has been accomplished with a view to making further progress.

## D. Bosnia and Herzegovina

23. The Government drew attention to the fact that the European Convention for the Protection of Human Rights and Fundamental Freedoms is an integral part of the constitution of Bosnia and Herzegovina, and thus is self-executing in the national jurisdiction. As such, the parts of the Convention that contain general prohibitions of discrimination, such as article 14 and protocol 12, are directly applicable in the legal system of Bosnia and Herzegovina.

24. Pursuant to international law, particularly the International Convention on the Elimination of all forms of Racial Discrimination, Bosnia and Herzegovina has taken the necessary, effective measures to end the practice of movements that contribute to the outbreak of racism, racial discrimination, xenophobia and all forms of related intolerance, including the extreme intolerance of some political parties.

25. Furthermore, an act on the ban of fascist and neo-fascist organizations in Bosnia and Herzegovina is being discussed before parliament. The aim of the legislation is to prohibit the operation of fascist and neo-fascist organizations in the country and to ensure that the anti-discrimination standards enshrined in the legislation remain perennial, excluding any eventual review of the text. Bosnia and Herzegovina also celebrates the Day of Victory over fascism on 9 May.

## E. Colombia

26. The Government referred to article 13 of the Constitution, which provides for the right to equality without discrimination on the basis of gender, race, national origin, language, religion or political opinion. In 2011, Colombia promulgated Law 1482, by which the Penal Code was modified to safeguard the rights of those who were subjected to racial offences. Article 4 of that Law typified the crime of racism as the promotion or instigation of acts, practices or behaviours that constitute harassment and which are oriented to cause physical or moral damage to a person, group of persons or population on the basis of race, ethnicity, religion, nationality,

gender, sexual orientation or political or philosophical orientation. The offence of racism is punishable by prison sentences from 12 to 36 months and fines from 10 to 15 times the minimum wage. In article 7 of the Law, the offence of anti-Semitism is typified as any dissemination of ideas or doctrines that foster or encourage practices of genocide or anti-Semitism, including those that justify or support regimes and institutions that lead to such practices. The crime of anti-Semitism is punishable by sentences from 96 to 180 months, fines of 666 to 1,500 times the minimum wage, and disqualification from being considered for any public position for 80 to 180 months. Furthermore, committing such offences in a public space or via mass public media constitutes aggravating circumstances that lead to stronger punishment.

27. The National Development Plan initiated by the Government, among other things, focuses on the elimination of the phenomenon of discrimination and the implementation of real equality. In 2011, the National System of Human Rights and International Humanitarian Rights was created by Decree No. 4100, and the Intersectoral Commission of Human Rights and International Humanitarian Rights was made more effective. These institutions coordinate the entities and several instances of the State to promote the respect for human rights by designing, implementing and evaluating the policies that focus on rights and equality.

28. On 12 December 2013, the Government presented its draft human rights policy for 2014 to 2034, which gathered inputs from civil society, government institutions and international organizations, and which encompasses in its framework special provisions for the fight against exclusion and discrimination.

29. Finally, the Government reiterated its firm commitment to the elimination and sanction of any form of discrimination on the basis of race, gender, religion, nationality, sexuality, language, economic or social condition, or any other reason.

## F. Cyprus

30. The Government drew attention to the Act on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law (Law No. 134(I)/2011), which incorporated the Council Framework Decision 2008/913/JHA, and criminalized incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin, and the public condoning, denying or grossly trivializing of crimes of genocide, crimes against humanity or war crimes. Furthermore, following the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, Cyprus amended the Ratification Law (Law 11(III)/92) so as to create a number of criminal offences relating to racism.

31. In the context of the police policy statement for the prevention, handling and combating of discrimination and racist crime, the Cyprus National Police has upgraded and enriched the education and training of its members on issues concerning the fight against racism and the acceptance of differences, to improve the handling and the investigation of incidents and/or cases of racism. Similarly, existing training programmes for prison wardens also include an extensive thematic content on human rights, racism and discrimination, as well as a workshop on the characteristics of different religions, xenophobia, racism and discrimination. In addition, in the context of the security policy outlined in the governance programme

of the President of Cyprus, a new series of seminars on the fight against xenophobia and racism and respect for human rights started in April 2014.

## G. Guyana

32. Guyana ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights in 1977. Article 154 of the Constitution guarantees the rights contained in those instruments.

33. Article 149 of the Constitution defines discrimination and provides for the equality of all persons before the law. The Government also referred to article 153, which allows any person to seek redress for a violation of fundamental rights at the High Court. Article 160 prohibits the promotion of racial or ethnic divisions, and the Racial Hostility Act criminalizes incitement to racial hatred.

34. Furthermore, chapter 1:03 of the Representation of the People Act provides for a fine and imprisonment for anyone who publishes a statement or takes action that could result in racial or ethnic violence. Similarly, chapter 23:01 of the Racial Hostility Act prohibits conduct that incites hostility or animus against persons because of their race.

35. The Government also highlighted the Ethnic Relations Commission, which promotes equality and works to prevent discrimination through a variety of programmes. The Commission serves victims and makes recommendations to the Government on potential areas of improvement.

## H. Oman

36. The Government informed that article 9 of the Basic Statute of the State establishes equality as one of the bases of State governance, and that article 12 guarantees equality among all citizens. Article 17 prohibits discrimination and provides for equality before the law. Foreigners who are legally present in the State have the right of protection according to article 35.

37. The provisions of the Omani Penal Code aim to eliminate racism and xenophobia, and the Government ratified the International Convention on the Elimination of All forms of Racial Discrimination. Furthermore, all persons, regardless of their citizenship, maintain the right to seek legal remedies to protect their rights.

## I. Russian Federation

38. The Government informed that the Ministry of Internal Affairs enforced anti-extremism laws and that article 6 of Act No. 80 establishes that combating fascism is a major aspect of State policy. Federal acts, such as Act No. 114, define extremism and prohibit the promotion of related propaganda. Presidential Decree No. 1666 sets out the Government's ethnic policy until 2025.

39. Presidential Decree No. 602 on international harmony catalyses additional efforts to counter extremism. Article 244 penalizes desecrating burial sites and

cemeteries, while article 63 addresses crimes motivated by political, ideological, racial, ethnic or religious hatred and crimes committed against any social group. Articles 280 and 282 of the Criminal Code penalize public calls to extremist action, incitement to hatred and the organization of extremism. The judiciary determines and qualifies extremism. Federal Act No. 5 strengthens penalties for such offences.

40. The Government also drew attention to federal criminal and administrative laws that criminalize acts related to the promotion of Nazism. Act No. 128 imposes criminal sanctions on spreading false information and the revision of history related to Nazi war criminals. Public demonstrations of Nazi paraphernalia or symbols may result in fines or detention through article 20.3 of the Code of Administrative Offences. Similarly, Act No. 149 prohibits the distribution of propaganda that provokes racial, ethnic or religious hatred or strife.

41. The Federal Office of the Prosecutor-General monitors the protection of cultural objects and coordinates the work of law-enforcement bodies responsible for preventing extremism. The Office has thwarted the activities of various groups and posts relevant news and information on the Internet. The Government has also made training resources on identifying racism and xenophobia available to its internal affairs staff.

42. In addition, the Government informed of a meeting held on 9 July 2014 between the President of the Russian Federation and a delegation of representatives from international, public and religious organizations to discuss the joint efforts to be undertaken to fight neo-Nazism, xenophobia, anti-Semitism and the rewriting of history.

## J. Saudi Arabia

43. The Government referred to the prohibition of racism in accordance with Islamic law; article 8 of the Basic Law states that governance in Saudi Arabia is based on equality. Article 47 guarantees the right of all persons to seek legal redress.

44. In 1997, Saudi Arabia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. Consequently, the Government will present a report to the Committee on the Elimination of Racial Discrimination.

45. Domestic law punishes the dissemination of theories of racial supremacy or hatred and associated acts of violence. It is also an offence to form groups and conduct activities with the purpose of advocating for or instigating racial discrimination.

46. Articles 25 of the Code of Criminal Procedure provides for the investigation of public officials who have engaged in racial discrimination. Similarly, articles 171 and 172 of the Internal Security Forces Act penalize violations of human rights committed by officials in the course of duty.

47. In 2011, the Human Rights Commission organized workshops to raise human rights awareness among police officers and State officials. Furthermore, Royal Decree No. 8628 related to the dissemination of a human rights culture in Saudi Arabia was adopted. Subsequent measures were taken to establish a comprehensive national plan. One initiative included an education programme for judges and law-

enforcement officers on international human rights treaties. The Government also cooperates with civil society to promote human rights.

48. The King Abdulaziz Centre for National Dialogue organizes meetings to condemn, inter alia, acts of intolerance, hatred and discrimination in all forms. The Centre signed an agreement with the Ministry of Islamic Affairs to train 40,000 mosque imams on how to disseminate a culture of tolerance in society through sermons and talks.

49. The Government places legal restrictions on the right to freedom of expression, in keeping with relevant international standards, in order to safeguard other rights. For instance, the Anti-Cyber Crime Law makes it an offence to use information technology to harm others and the Printing and Publications Act criminalizes defaming or insulting another person.

## K. Serbia

50. The Government referred to its strategy for prevention and protection against discrimination for the period 2013-2018, which had been adopted to set the policy for combating discrimination in order to improve the status of all vulnerable social groups.

51. In October 2013, the National Assembly ratified two international conventions that have become an integral part of the national legal system of Serbia, namely, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

52. The Government informed that education courses, seminars, workshops, round tables and conferences have been organized for holders of judicial offices (judges, public prosecutors and police officers) in order to improve their knowledge and understanding of discrimination and anti-discrimination legislation.

53. The competent prosecutor's offices initiated criminal charges, including for instigating national, racial or religious hatred or intolerance, injury to reputation due to racial, religion, ethnic or other affiliation, and ruining the reputation of a foreign State or international organization. Those charges were brought against 159 persons, mostly for inciting national, racial and religious hatred and intolerance.

54. The Government adopted a national strategy for combating violence and misbehaviour at sporting events for the period 2013-2018, a strategic document that sets out the basic principles and security policy for combating violence and misbehaviour at sporting events within the action plan for the implementation of the strategy.

55. In February 2013, the Ministry of Youth and Sport established the National Committee for the implementation of the campaign for combating hate speech online. The aim of the Committee is to reduce violence on the Internet, create a safer Internet environment and raise the awareness of young people on the issues related to the abuse of the Internet, discrimination and hate speech on social networks and their consequences, especially bearing in mind the increasing number of cases of online violence among young people. The work of the Committee has been presented by the Council of Europe as an example of good practice for the

implementation of the campaign at the national level, and the activities that have been undertaken so far have been praised.

56. The Government Office for Human and Minority Rights and the Commissioner for the Protection of Equality have conducted research on hate-speech graffiti as one of the forms of hate speech. The intention was to bring attention to the connection between hate crimes, hate speech and hate-speech graffiti, and the need for a zero-tolerance policy towards hate-speech graffiti.

57. Finally, the Government pointed out that fascism and anti-Semitism are almost non-existent in Serbia and emphasized that the International Day against Fascism and Anti-Semitism is celebrated every year throughout Serbia. On 9 November 2013, a number of manifestations were organized at the national level and contributed to the remembrance of the atrocities of the Kristallnacht, as well as the dangers of historical revisionism and the relativization of crimes. The Government of Serbia has initiated and realized a number of programmes in the field of education, research and remembrance of the Holocaust, considering it a moral obligation to civilization.

# III. Contributions received from intergovernmental, non-governmental and other organizations

## A. Office of the United Nations High Commissioner for Refugees

58. The organization reported that discrimination on the basis of ethnicity, race, religion or language is a recurrent cause of statelessness. Indeed, the majority of the world's known refugees and stateless people belong to minority populations.

59. UNHCR leaders such as António Guterres, United Nations High Commissioner for Refugees, Janet Lim, Assistant High Commissioner for Refugees, and Volker Türk, Director of International Protection, have spoken recently on the issues linked to racism and xenophobia. They expressed the serious concerns of UNHCR about the prevalent climate of intolerance, xenophobia and racism. One of the principle objectives of UNHCR is to combat these and other forms of related intolerance.

60. UNHCR noted that racial discrimination and related intolerance are common causes of flight and can threaten the protection of asylum seekers and refugees at subsequent stages of the displacement cycle. Ideas based on the superiority of one group over another can also hamper the search for durable solutions.

61. Xenophobia and racism, prompted by the common but often unfounded perception that migratory flows are growing exponentially, can also have a direct impact on the availability of protection for asylum seekers and refugees. Extremist groups designate certain vulnerable groups, such as refugees, asylum seekers and members of minorities, as the main source of the problems, causing anxiety among the population. This may lead to the stigmatization of and perpetration of racist and xenophobic crimes against migrants, refugees, asylum seekers, internally displaced persons and other vulnerable groups.

62. The organization summarized regional developments relating to racism, xenophobia and related intolerance as they affect the protection of persons of concern to UNHCR. Regarding Central Africa and the Great Lakes Region, UNHCR

expressed deep distress over the situation in the region and described the continuing massive ethno-religious cleansing, indiscriminate killing and massacre as a humanitarian catastrophe of unspeakable proportions. Several countries have been affected by the violence.

63. In Southern Africa, foreign nationals are increasingly seen as competitors for scarce economic opportunities. This fuels xenophobia and has a negative impact on the protection environment for refugees and asylum seekers in the subregion. Consequently, UNHCR is looking for ways to address the issue of mixed migration. Violence against foreign-owned businesses continues to occur in the region, despite efforts to promote tolerance. Similar factors have led to the deterioration of public and official support for refugees and asylum seekers in the region.

64. The legal frameworks of some West African States contain discriminatory racial or ethnic requirements for acquisition of nationality, which breach the non-discrimination and equality provisions of several international and regional instruments. Those measures constitute a source of statelessness disproportionately affecting members of certain racial and ethnic groups. In addition, lack of birth registration in West African countries affects undocumented migrants and refugees more than others, as the rates of registration for those groups are disproportionately low. UNHCR provided specific information on the legislation of some West African States.

65. With relation to Latin America and the Caribbean, UNHCR drew particular attention to the disproportionate impact of forced displacement on indigenous people and Afro-descendants. The organization noted positively the judgement of the Inter-American Court of Human Rights in the case of *Pacheco Tineo Family v. Bolivia* (2013), which was the Court's first judgment relating specifically to refugees. Additionally, UNHCR approved of resolutions by member States of the Organization of American States during its forty-third General Assembly in June 2013.

66. The organization commended some States in North America for their large resettlement programmes. It also welcomed the fact that that, with the exception of one, all of the Central Asian States had now acceded to the 1951 Convention relating to the Status of Refugees. However, statelessness remains an issue of concern in Central Asia and has disproportionate effects on marginalized groups.

67. The lack of effective legal and normative frameworks governing international protection in the Asia and Pacific region compromises the protection opportunities for displaced persons who may be in need of international protection as a result of ethnic, racial or xenophobic persecution in their country of origin. In an environment that exposes refugees and asylum seekers to a host of human rights concern, racism and xenophobia feature prominently. Ensuring that humanitarian responses are not affected by the focus on border protection and deterrence remains a challenge.

68. Across Europe, the political discourse had recently become increasingly polarized because of a conflation of issues affecting foreigners, asylum seekers and refugees. Asylum seekers and refugees were often at risk of being victims of hate crimes owing their ethnicity, race, religion, nationality or legal status. In order to effectively protect and prevent hate crimes, appropriate national legislation should

be put in place, along with robust monitoring and reporting mechanisms. UNHCR noted specific positive developments in some specific European countries.

69. UNHCR recognized that a number of countries in the Middle East and North Africa were increasingly affected by the displacement caused by the humanitarian crisis and the resultant strains on host communities in terms of infrastructure, resources and tolerance. The organization noted the efforts of neighbouring countries to provide appropriate treatment and protection for refugees by ensuring access to territory and to swift and fair asylum procedures.

70. In 2013, UNHCR offices throughout North Africa witnessed an increase in the number of asylum seekers, some of whom fled persecution based on race and/or ethnicity. While in transit, refugees, asylum seekers and migrants, particularly those from sub-Saharan Africa, are confronted with discrimination and defamation because of the colour of their skin. In particular, instability in the region has contributed to the challenges of managing existing populations of concern and stretched communities' tolerance for arriving refugees and asylum seekers.

### B. International Association of Jewish Lawyers and Jurists

71. The organization provided information on anti-Semitic remarks made by a government official and the media of a Middle Eastern country. Expressions of contempt, racism and anti-Semitism have been directed at the local Jewish community and at Israel. According to the Association, Government officials took part in demonstrations where they incited violence against Jews and Israelis. Additionally, a media outlet published an article admonishing Jews to apologize for Israel's actions. The article allegedly also called for a boycott of all Jewish products and businesses in the country. Reportedly, the Government has taken no action in relation to these manifestations of anti-Semitism.

### C. University of Edinburgh

72. The University of Edinburgh raised the issue of manifestations of racism and xenophobia in extreme-right music. Contravening legislation and attempts at censorship, extremists have continued to disseminate white supremacist and anti-foreigner messages with their lyrics and imagery. Seeking to attract new audiences, extremists have utilized more accessible music styles, such as folk, country and pop. They have diversified the content of their music and appropriated cultural heritages to express xenophobic beliefs. The University highlighted how extreme-right musicians have projected a more inclusive image and targeted youths. Additionally, women band members have appealed to a broader support base.

## IV. Conclusions and recommendations

73. **The Special Rapporteur is grateful to all States for the information provided on the measures implemented pursuant to General Assembly resolution 68/150. He also appreciates the contributions received from other organizations and civil society. He recalls the importance of full cooperation with his mandate as stipulated in Human Rights Council resolution 25/32.**

74. The Special Rapporteur notes that some States referred in their replies to the phenomena identified in resolution 68/150 and to the proliferation of extreme right-wing groups. Others stressed that no such phenomena existed within their borders. The Special Rapporteur wishes to reiterate that the human rights and democratic challenges posed by extremist political parties, movements and groups are universal and no country is immune to them. He calls upon States to increase their vigilance and be proactive in strengthening efforts and political will to recognize and effectively address them.

75. The Special Rapporteur also wishes to stress that any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States. The Special Rapporteur wishes to recall paragraph 10 of resolution 68/150, which provide that such manifestations do injustice to the memory of the countless victims of the Holocaust, the crimes against humanity committed in the Second World War, in particular those committed by the SS organization and other Nazi movement groups, negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations.

76. The Special Rapporteur reiterates his condemnation of any denial or attempt to deny the Holocaust and all manifestations of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief. He continues to call for the active preservation of those Holocaust sites that served as Nazi death camps, concentration and forced labour camps and prisons. He encourages States to take measures, including legislative, law-enforcement and educational, to put an end to all forms of Holocaust denial.

77. The Special Rapporteur welcomes the information provided regarding the ratification of a range of instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and the inclusion of the Convention in national legal and constitutional frameworks. He urges those States that have not yet done so to ratify the Convention and make the declaration under its article 14, thus providing competence to the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention.

78. Several countries informed the Special Rapporteur that their constitutions and legislation enshrined the principles of equality and non-discrimination and prohibited incitement to racial, religious and national hatred. The Special Rapporteur is pleased to note that some countries have adopted legislation specifically to tackle the challenges posed by extremist political parties, movements and groups and have elaborated legal or constitutional provisions to prohibit organizations and associations that incite national, racial or religious hatred and violence and propagate fascist ideology.

79. The Special Rapporteur is pleased to be made aware of various programmes and activities coordinated at the national level to combat and prevent the spread of extremism in society. Some of the strong measures taken in some countries to counter violent right-wing extremist groups posing a threat

to vulnerable groups and national security should be emulated while remaining within the scope of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the International Covenant on Civil and Political Rights.

80. The Special Rapporteur encourages States to adopt the legislation necessary to combat racism, while ensuring that the definition of racial discrimination complies with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. He calls for the updating of national anti-racism legislation in the light of the increasingly open expression of hate speech and incitement to violence against vulnerable groups. In this regard, he recalls that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements, should be in conformity with the relevant international human rights standards. He also urges States to implement their obligations under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights.

81. The Special Rapporteur notes with appreciation that several States have prescribed in their criminal codes that racist and xenophobic motivation constitute an aggravating circumstance attracting heavier sanctions against not only instigators but also followers. The Special Rapporteur reiterates the recommendations made in his report to the Human Rights Council (A/HRC/26/50), including that States fulfil their responsibility of bringing to justice the perpetrators of crimes with racist, xenophobic, anti-Semitic or homophobic motivation and to combat impunity.

82. While welcoming the information provided regarding measures taken to prevent discrimination against members of minorities, people of African descent, Roma, migrants, refugees and asylum seekers and to ensure their integration into society, the Special Rapporteur wishes to urge States to ensure the full and effective implementation of legal, policy and institutional measures protecting these groups of individuals. The gap between the provisions of the legal and institutional framework and the challenges faced by these vulnerable groups, including with regard to racist and xenophobic acts from extremist groups or individuals, remain of particular concern. The Special Rapporteur therefore recommends that States effectively guarantee to these groups, without discrimination of any kind, the right to security and access to justice, adequate reparation, legal aid and appropriate information about their rights, as well as the prosecution and adequate sanction of those responsible for racist crimes against them.

83. The Special Rapporteur remains deeply concerned about the confirmation of tendencies to scapegoat vulnerable groups, including migrants, asylum seekers and ethnic minorities. Scapegoating remains a powerful tool for politicians whose only goal is to mobilize the masses to the detriment of social cohesion and human rights. The continued blunt, uncensored and unpunished expressions of supremacist, anti-Semitic and hateful opinions by political leaders may be an indicator that societies are growing dangerously and increasingly tolerant of hate speech and extremist ideas.

84. **The Special Rapporteur takes note of efforts made to document racially motivated crimes, especially the conduct of specialized studies and the assessment of existing programmes. He reiterates the recommendation made in his report to the Human Rights Council (A/HRC/26/50) on the collection of data and statistics. Disaggregated data are needed to understand the scope and nature of racism, xenophobia and all related intolerance within society. Such statistics are also invaluable in designing and implementing effective policies to prevent and combat these phenomena.**

85. **A number of positive initiatives have been identified in the replies of States, including awareness-raising activities to foster tolerance, respect for cultural diversity and mutual understanding. The Special Rapporteur is of the view that the organization of cultural events, research work, festivals, conferences, seminars, exhibitions and information campaigns are positive measures that contribute to the building of a society based on pluralism, mutual understanding, tolerance and non-discrimination and therefore encourages States to strengthen these initiatives.**

86. **The Special Rapporteur welcomes efforts undertaken to train law-enforcement agents, including the police, immigration officers, judges and lawyers, on human rights and non-discrimination. He notes, however, that ethnic profiling and police violence against vulnerable groups are recurring issues in several countries that discourage victims from seeking redress, owing to distrust of the legal system. He encourages States to adopt and strengthen measures to improve diversity within law-enforcement agencies and impose appropriate sanctions against those within the public service found guilty of racially motivated violence or of using hate speech, including prosecutors and judges and also immigration officials and border guards.**

87. **Some States provided information about the use of the Internet to foster a culture of peace and tolerance and to promote national legal provisions and protections against extremism, hate speech and xenophobia. The Special Rapporteur calls for the development of a solid legal framework regarding hate speech and extremist mobilization on the Internet. He welcomes the positive use of the Internet and recalls in this regard paragraph 92 of the Durban Declaration and Programme of Action, in which States recognized the need to promote the use of new information and communication technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance. He further recommends the implementation of the recommendations made in his report to the Human Rights Council on racism and the Internet and social media (A/HRC/26/49).**

88. **The Special Rapporteur notes with appreciation the emphasis put on human rights education in some replies by States. The Special Rapporteur recommends that States continue to invest in education, in both conventional and non-conventional curricula, in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence. He further recommends cooperation with the United Nations Educational, Scientific and Cultural Organization, including in the framework of the relevant programmes set up by the Organization regarding human rights education, racism and racial discrimination.**

89. **The Special Rapporteur welcomes information regarding coordination between governmental structures in order to maximize efforts on the issue of equality and non-discrimination and mainstream anti-discrimination policies in public sectors. He encourages such coordinated efforts and recommends inclusion of a variety of actors, such as civil society actors, national human rights institutions and the media.**

90. **Finally, the Special Rapporteur wishes to stress the positive role played by the media in combating the spread of extremist ideas, in particular in combating stereotypes, promoting a culture of tolerance and playing an integrative role by providing space for ethnic minorities to also have their voice heard.**